



OFFICE OF THE ATTORNEY GENERAL OF TEXAS
AUSTIN

GERALD C. MANN
ATTORNEY GENERAL

Honorable Murphy Cole
County Auditor
Liberty County
Liberty, Texas

Dear Sir:

Opinion No. 6-3040
Re: Giving notice by any
person intending to
apply for the passage
of any local or special
law not prohibited by
the Constitution.

Your recent request for an opinion of this department upon the above stated subject has been received.

We quote from your letter as follows:

"It is my intention to apply to the State Legislature for the enactment of a law affecting the salary of myself as County Auditor. My present salary is \$2,625.00 while that of other county officers is \$3,180.00. At the last budget hearing a number of citizens pointed out (unexpectedly to the writer) that the salary of the Auditor should be more nearly in line with that of other officers.

"I notice that there are approximately 35 laws in the statute books regarding the office of county auditor and setting salaries; and yet I do not want a law, the constitutionality of which is questionable, therefore it is my intention to have published a notice in the local papers to the effect that the salary of the county auditor of Liberty County shall be based on \$140.00 per million dollars valuation instead of \$125.00 on the million dollars valuation as provided by the present general law, Article 1645.

"Will you please give me a statement as to the principal requirements of such notice to be

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published. I gather that Sec. 57 of Article 3 is the proper constitutional authority."

Section 57 of Article 3 of the State Constitution and Articles 2 - 9, inclusive, Vernon's Annotated Civil Statutes, prescribe the method and manner of giving notice by any person who intends to apply for the passage of any local or special law not prohibited by the Constitution. Article 1645, Vernon's Annotated Civil Statutes, reads in part as follows:

"In any county having a population of thirty-five thousand inhabitants, or over, according to the preceding Federal census, or having a tax valuation of fifteen million dollars or over, according to the last approved tax rolls, there shall be biennially appointed an auditor of accounts and finances, the title of said officer to be county auditor, who shall hold his office for two years, and who shall receive as compensation for his services one hundred and twenty-five dollars for each million dollars or major portion thereof, of the assessed valuation, the annual salary to be computed from the last approved tax rolls, said annual salary from county funds shall not exceed thirty-six hundred dollars, to be paid monthly out of the general funds of the county upon an order of the commissioners court. * * *."

Liberty County has a population of 24,555 inhabitants according to the last Federal census. However, the assessed valuation of said county according to the last approved tax rolls is approximately \$21,523,020.00. Therefore, Article 1645, supra, which is a general statute, is applicable to Liberty County.

Section 56, Article 3, of the State Constitution inhibits the Legislature from passing any local or special law regulating the affairs of a county.

The proposed enactment would be a local or special law attempting to regulate the affairs of Liberty County, which is prohibited by Section 56, Article 3, of the State Constitution. *Duclos, et al v. Harris County*, 263 S. W. 562; *Altgelt*

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v. Gutzeit, 201 S. W. 400; Austin Bros. v. Patton, 288 S. W. 182.

Trusting that the foregoing fully answers your inquiry, we are

APPROVED JAN 30, 1941

Grover Cullen
FIRST ASSISTANT
ATTORNEY GENERAL

Yours very truly

ATTORNEY GENERAL OF TEXAS

By *Ardell Williams*
Ardell Williams
Assistant

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